

## EXHIBIT 5



# Cestui Que Vie Act 1666

## 1666 CHAPTER 11

An Act for Redresse of Inconveniencies by want of Proove of the Deceases of Persons beyond the Seas or absenting themselves, upon whose Lives Estates doe depend.

### Annotations:

#### Editorial Information

- X1** Abbreviations or contractions in the original form of this Act have been expanded into modern lettering in the text set out above and below.

#### Modifications etc. (not altering text)

- C1** Short title “The Cestui que Vie Act 1666” given by Statute Law Revision Act 1948 (c. 62), **Sch. 2**  
**C2** Preamble omitted in part under authority of Statute Law Revision Act 1948 (c. 62), **Sch. 1**  
**C3** Certain words of enactment repealed by Statute Law Revision Act 1888 (c. 3) and remainder omitted under authority of Statute Law Revision Act 1948 (c. 62), **s. 3**

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**I.] Cestui que vie remaining beyond Sea for Seven Years together and no Proof of their Lives, Judge in Action to direct a Verdict as though Cestui que vie were dead.**

If such person or persons for whose life or lives such Estates have beene or shall be granted as aforesaid shall remaine beyond the Seas or elsewhere absent themselves in

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this Realme by the space of seaven yeares together and noe sufficient and evident prooffe be made of the lives of such person or persons respectively in any Action commenced for recovery of such Tenements by the Lessors or Reversioners in every such case the person or persons upon whose life or lives such Estate depended shall be accounted as naturally dead, And in every Action brought for the recovery of the said Tenements by the Lessors or Reversioners their Heires or Assignes, the Judges before whom such Action shall be brought shall direct the Jury to give their Verdict as if the person soe remaining beyond the Seas or otherwise absenting himselfe were dead.

**II** ..... F1

<b>Annotations:</b>
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<b>Amendments (Textual)</b>
<b>F1</b> S. II repealed by Statute Law Revision Act 1948 (c. 62), Sch. 1

**III** ..... F2

<b>Annotations:</b>
.....
<b>Amendments (Textual)</b>
<b>F2</b> S. III repealed by Statute Law Revision Act 1863 (c. 125)

**IV If the supposed dead Man prove to be alive, then the Title is revested. Action for mean Profits with Interest.**

[<sup>x2</sup>Provided alwayes That if any person or [<sup>x3</sup>person or] persons shall be evicted out of any Lands or Tenements by vertue of this Act, and afterwards if such person or persons upon whose life or lives such Estate or Estates depend shall returne againe from beyond the Seas, or shall on prooffe in any Action to be brought for recovery of the same [to] be made appeare to be liveing; or to have bene liveing at the time of the Eviction That then and from thenceforth the Tennant or Lessee who was outed of the same his or their Executors Administrators or Assignes shall or may reenter repossesse have hold and enjoy the said Lands or Tenements in his or their former Estate for and dureing the Life or Lives or soe long terme as the said person or persons upon whose Life or Lives the said Estate or Estates depend shall be liveing, and alsoe shall upon Action or Actions to be brought by him or them against the Lessors Reversioners or Tennants in possession or other persons respectively which since the time of the said Eviction received the Proffitts of the said Lands or Tenements recover for damages the full Proffitts of the said Lands or Tenements respectively with lawfull Interest for and from the time that he or they were outed of the said Lands or Tenements, and kepte or held out of the same by the said Lessors Reversioners Tennants or other persons who after the said Eviction received the Proffitts of the said Lands or Tenements or any of them respectively as well in the case when the said person or persons upon whose Life or Lives such Estate or Estates did depend are or shall be dead at the time of bringing of the said Action or Actions as if the said person or persons where then liveing.]

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**Changes to legislation:** *There are currently no known outstanding effects for the Cestui Que Vie Act 1666. (See end of Document for details)*

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**Annotations:**

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**Editorial Information**

- X2** annexed to the Original Act in a separate Schedule
- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: *O.* omits [*O.* refers to a collection in the library of Trinity College, Cambridge]

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